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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**PLAINTIFF'S SUPPLEMENTAL
RESPONSE TO DEFENDANTS UBER
TECHNOLOGIES, INC., RASIER, LLC, AND
RASIER-CA, LLC'S MOTION TO DISMISS
CASES FOR FAILURE TO COMPLY WITH
COURT ORDER**

This Document Relates to:

K.C. v. Uber Technologies, Inc., et al., No.
3:25-cv-05720-CRB

Judge: Hon. Charles R. Breyer

Courtroom: 6 – 17th Floor

I. INTRODUCTION

On September 26, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not file a Plaintiff Fact Sheet (“PFS”) in connection with Pretrial Order (“PTO”) 10. (Doc. 3493). Counsel acknowledges and understands that under PTO 10, the Court created procedures and deadlines to produce a PFS. Counsel has and continues to diligently comply with discovery obligations. Plaintiffs can become unavailable for a variety of reasons during litigation, especially when said Plaintiff is the survivor of a sexual assault. On October 13, 2025, Counsel was able to produce Plaintiff K.C.’s substantially complete PFS and it was appropriately served via the MDL Centrality platform.

II. ARGUMENT

a. Plaintiff K.C. v. Uber Technologies, Inc., et al., No. 3:25-cv-05720-CRB should not be dismissed.

Counsel has produced a PFS for K.C. and their claim should therefore be removed from consideration of Defendant's Motion, rendering their inclusion moot in lieu of PTO 10.

b. The Court should not dismiss this case with prejudice.

In the event the Court is inclined to grant Uber's Motion to Dismiss, it cannot dismiss with prejudice in this context. Dismissing with prejudice goes against the *Malone* factors as discussed by Uber and other Plaintiffs' firms in response to the Motion to Dismiss. Here, Plaintiffs state the quiet out loud: dismissing with prejudice is premature as these are survivors of sexual assault speaking out against one of the largest corporations on the planet. While the appropriate safeguards to discovery must be followed for the truth-seeking process, the practical reality is that these humans have suffered grave harm but are not part of the current bellwether trial. There is no real prejudice to Uber that warrants dismissal with prejudice. Meanwhile, the process of producing a PFS is a multifaceted task that requires a survivor to confront their traumatizing experience head on and it is often uncomfortable and overwhelming. Nonetheless, Counsel was able to produce Plaintiff K.C.'s PFS.

III. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request this Court DENY Uber's Motion to Dismiss as procedurally improper. In the alternative, counsel requests the Plaintiff K.C. be removed from Defendant's Motion to Dismiss as having fulfilled their obligation under PTO 10.

1 Dated: October 13, 2025

Respectfully submitted,

2
3 /s/ Sommer D. Luther

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: October 13, 2025

/s/ Sommer D. Luther
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PROOF OF SERVICE

I, the undersigned, declare: I am a citizen of the United States, over 18 years of age and not a party to the within action. My business mailing address is 940 Lincoln Street, Denver, CO 80203.

On the date specified below, I served a copy of the foregoing document described as:

**PLAINTIFFS' SUPPLEMENTAL RESPONSE TO UBER'S MOTION TO DISMISS CASES
FOR FAILURE TO COMPLY WITH COURT ORDER**

To be served by providing a true copy thereof addressed to each of the persons named below:

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5 **[X] BY ELECTRONIC TRANSMISSION ONLY:** By emailing the document(s) to the persons at
6 the email address(es) listed above. No electronic message or other indication that the transmission
7 was unsuccessful was received within a reasonable time after the transmission.

8 I declare under penalty of perjury under the laws of the State of California that the above is true and
9 correct.

10 Executed October 13, 2025 in Denver, Colorado.

11 /s/ Theresa Fryan

12 Theresa Fryan

13 Paralegal